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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,187	03/08/2001	Kazuyuki Yokokawa	P66458US0	4101

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EXAMINER

AHMAD, NASSER

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 06/10/2002

6

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/801,187

Applicant(s)  
Yokokawa

Examiner  
Nasser Ahmad

Art Unit  
1772



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some\* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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### DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

2. (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
3. Claims 1-2 and 4-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Cancio (4,380,564 or 4,465,729).

Cancio relates to a decorative sheet material having intersecting tear lines formed in a surface thereof (abstract). The tear lines are grooves 16 and 18 as shown in figure-2 along the sheet is divided. The sheet material a resin film or its laminate with paper (col. 4, lines 64-65 of Cancio '564 and col. 4, lines 57-59 of Cancio '729). The film is provided to receive prints or decorative design on its surface. Further, because Cancio teaches that "sheet material may be provided with adhesive" (Cancio '564: col. 2, lines 33-34 and Cancio '729: col. 2, lines 40-41), said phrase infers to the possibility of the sheet material being without adhesive.

When adhesive layer is present, both the resin film and the adhesive layer are provided with grooves.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made

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to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2 and 4-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cancio in view of Kishimoto (5,560,966).

Cancio '564 and '729, as discussed above, fails to expressly teach that the resin film is overlaid with an image receiving layer coat. Kishimoto discloses a resin film with tear line (abstract). The film is provided thereon with a light sensitive layer, or printed or processed image layer (col. 3, lines 10-12). The presence of printed or processed image layers indicates the presence of image receiving layer coat and that said image and print are functionally equivalent to provide decorative effect thereto. Therefore, it would have been obvious to one having ordinary skill in the art to utilize Kishimotos' teaching that printed imidica and processed image are functionally equivalent and that processed image can be substituted for the print in the invention of Cancio.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cancio in view of Oshima (6,284,708).

Cancio '564 or '729, as discussed above, fails to teach that the resin film is a cellulosic film. Oshima teaches that the resin film can be cellulosic or other listed polymeric film (col. 4, lines 36-48). Oshima teaches that cellulosic film are functionally equivalent to other polymeric film for providing a printable or image receiving surface. Therefore, it would have been obvious

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to one having ordinary skill in the art to substitute Cancio's polymeric film material with cellulosic film material as the resin film.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 2, 4 and 6-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2, as stated, is deemed to be indefinite. It is not clear as to the location of the plastic or paper film with respect to the adhesive layer and the resin film.

Claims 6-8 and 9, the phrase "the like" is found to be indefinite. It is not clear as to the location of the plastic or paper film with respect to the adhesive layer and the resin film.

Claims 6-8 and 9, the phrase "the like" is found to be indefinite. It is not clear as to what is encompassed by said phrase.

Claim 7, the phrase "every raw material" is deemed to be indefinite. It is unclear as to the raw material covered by said phrase.

Claim 8, the phrase "many fine slits" is also found to be confusing. It is not clear as to is referred to by 'many'.

Claim 10, the phrase "little lower part" is deemed to be confusing. It is unclear as to the amount of extension that is considered to be 'little'.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 308-4424. The examiner can normally be reached on Monday-Thursday from 7:30am to 5:00pm. The examiner can also be reached on alternate .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on (703) 308-4251. The fax phone number for the organization where this application or proceeding is assigned is 872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-0661.

NAhmad:evh

6/4/02

  
**NASSER AHMAD**  
**PRIMARY EXAMINER**